

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**JOSHUA C. LOWRY, ANTHONY
LAW, RAYMAR MCKENZIE,
JAMES SMITH and MICHAEL
CHAMPION,**

Plaintiffs,

v.

**DENA BROWN TRINITY GROUP
SERVICE STAFF, BENJAMIN
O'LEARY TRINITY GROUP SERVICE
STAFF, CORITHIAN FOODS FOOD
DISTRIBUTOR FOR TRINITY GROUP
SERVICE, JENNIFER PASSERELLI
DEPUTY WARDEN, DAVID WINTERS
CAPTAIN, SCOTT (UNKNOWN)
TRINITY GROUP SERVICE STAFF,
JANICE (UNKNOWN) TRINITY
GROUP SERVICE STAFF,**

Defendants.

2:22cv991

Electronic Filing

MEMORANDUM ORDER

The Complaint in the above captioned case was filed on July 6, 2022, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 80) filed on September 29, 2023, recommended that Defendants Jennifer Passerelli, David Winters, and Dena Brown's pending motions to dismiss be granted as to the claims asserted by Plaintiff Joshua C.

Lowry. The parties were informed that objections to the Report and Recommendation were due by October 13, 2023. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 27th day of December, 2023,

IT IS HEREBY ORDERED that [54], [57] the motions to dismiss for failure to state a claim upon which relief can be granted filed by Defendants Jennifer Passerelli, David Winters, and Dena Brown are granted as to the claims asserted by Plaintiff Joshua C. Lowry. The [80] Report and Recommendation of Magistrate Judge Kelly dated September 29, 2023, is adopted as the opinion of the Court.

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Joshua C. Lowry
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(Via CM/ECF Electronic Mail)